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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,045

09/13/2003

David J. Laverick

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06/08/2009

GARMIN LTD.

C/O GARMIN INTERNATIONAL, INC.

ATTN: Legal - IP

1200 EAST 151ST STREET

OLATHE, KS 66062

EXAMINER

DIACOU, ARI M

ART UNIT

PAPER NUMBER

3663

NOTIFICATION DATE

DELIVERY MODE

06/08/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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PATENTS@GARMIN.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* DAVID J. LAVERICK and BRIAN G. SCHOENFISH

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Application No. 10/663,045  
Technology Center 3600

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Mailed: June 5, 2009

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Before Deborah L. Perry, *Supervisory Paralegal Specialist, Review Team.*  
Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 5, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER’S ANSWER, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner’s Answer mailed April 2, 2009, under the heading “Grounds of rejection” is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner’s Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading “New Grounds of Rejection” in the Examiner’s Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

Specifically, the Examiner’s Answer sets forth a rejection of claims 1,2,3-7,24,25, and 26-30 as being rejected under 35 U.S.C. 103(a); whereas the last Office action, including any mailed Advisory Action(s) finds that Claims 4 and 6 are cancelled and Claim 28 was cancelled in the Advisory Action filed November 13, 2008. Correction of all Grounds of rejection for all claims is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) to vacate the Examiner's Answer mailed April 2, 2009;

2) to generate a new Examiner's Answer setting forth the correct

Grounds of rejection and to correct other sections of the Answer as may be required;

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/alw

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